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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,144	07/16/2003	John Tsai	J1057/20001	1218
3000	7590	01/24/2005	EXAMINER	
CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD. 11TH FLOOR, SEVEN PENN CENTER 1635 MARKET STREET PHILADELPHIA, PA 19103-2212			WALCZAK, DAVID J	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/621,144	Applicant(s) TSAI ET AL.	
	Examiner David J. Walczak	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 12 and 24-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/6/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election

Applicant's election without traverse of Group I, Species I (claims 1-11 and 13-23) in the reply filed on 12/7/04 is acknowledged. Claims 12 and 24-36 are withdrawn from further consideration.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7, 13-16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Zimmer. In regard to claims 1 and 13, Zimmer discloses a car wash device comprised of a vessel 1 for holding a liquid, a pump 7 to pressurize the vessel, a brush 16 having a nozzle (see line 61) wherein the nozzle is sealingly connected to a brush hose fitting 11, a hose 8 having a first end fitting detachably and sealingly connected to the fitting 11 and a second end sealingly mated to the vessel (at outlet 9). As the hose 8 is disclosed as being a conventional garden hose, the fitting 11 is matable to both the hose 8 fitting and a high pressure water source fitting (i.e., a house spigot). Lastly a flow control device is present in the nozzle (lines 67-71) whereby the flow control device can be is operable as claimed. In regard to claims 2 and 14, the

brush has a hollow elongated handle 17. In regard to claims 3 and 15, the nozzle is connected to a first end of the handle 17 (the end at which the bristles protrude, see Figure 3) and the fitting 11 is located at a second end of the handle. In regard to claims 4 and 16, the flow control device is integral with the nozzle. In regard to claims 7 and 19, the flow control device defines a valve for controlling liquid flow through the nozzle.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 11, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmer. Although the Zimmer reference does not disclose the specifically claimed pump, it is the Examiner's position that it would have been obvious to one of ordinary skill in the art at the time the invention was made that any well-known pumping mechanism, including the claimed pumps, can be used to pressurize the vessel in the Zimmer device without effecting the overall operation thereof.

Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmer in view of Waddell. Although the vessel in the Zimmer device does not include a relief valve thereon, attention is directed to the Waddell reference, which discloses another car wash device employing a pressurized vessel wherein the vessel 16 has a

relief valve 36 thereon (see column 4, lines 53-54) in order to enable a user to relieve pressure within the vessel. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide such a relief valve onto the vessel in the Zimmer device in order to enable a user to relieve the pressure within the vessel.


Claims 6, 8, 9, 18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmer in view of Wei (as cited by the Applicant). Although the Zimmer reference is silent as to the structure of the flow control device, attention is directed to the Wei reference which discloses another car washing device wherein the flow control device includes a selector disk 44 which cooperates with detents 423 and includes selectable nozzle shapes 441 thereon (see column 4, lines 32-36) in order to enable a user to select one of a number of spray patterns or pressures. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ such a flow control structure onto the Zimmer device in order to enable a user to select a particular spray pattern and pressure.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Walczak whose telephone number is 571-272-4895. The examiner can normally be reached on Mon-Thurs, 6:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg L. Huson can be reached on 703-308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David J. Walczak
Primary Examiner
Art Unit 3751

DJW
1/19/05